

C.11-07-007 RS1/eam



**FILED**

10-03-11  
03:43 PM

**ATTACHMENT**

**THE WOLK LAW FIRM**

AIRLAW

1710-12 Locust Street  
Philadelphia, PA 19103  
215-545-4220 Fax 215-545-5252  
E-mail: airlaw@airlaw.com  
www.airlaw.com

September 30, 2011

Arthur Alan Wolk  
Philip J. Ford  
Bradley J. Stoll  
Cynthia Devers Lamb  
Michael S. Miska  
John J. Gagliano

**Via Email and First Class Mail**

Judge Richard Smith  
California Public Utilities Commission  
Division of Administrative Law Judges  
505 Van Ness Avenue, Room 5007  
San Francisco, CA 94102-3214

RE: Arthur Alan Wolk vs. San Diego Gas & Electric (U902E)  
Case (c) C. 11-07-007

Dear Judge Smith:

I am requesting permission, pursuant to Rule 11.1(f), to file a Sur-Response to the Reply which SDG&E filed on September 22, 2011, to my response to their motion for summary judgment.

I would like to file a very brief Sur-Response with an attachment to this reply. I am enclosing this Sur-Response and the attachment to this request. This serves to present additional evidence that SDG&E failed to comply with CPUC procedures and has completely ignored all requirements of consumer protection.

Please advise whether I may file this Sur-Response.

Very truly yours,

  
ARTHUR ALAN WOLK

AAW/tam  
Enclosure

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

Arthur Alan Wolk,	:	
	:	
Complainant	:	
	:	
vs.	:	Case (C.) C.11-07-007
	:	(Filed July 12, 2011)
	:	
San Diego Gas & Electric Company	:	
(U902E),	:	
	:	
Defendant	:	
	:	

**COMPLAINANT'S SUR-RESPONSE TO SAN DIEGO GAS AND  
ELECTRIC COMPANY (U902E) MOTION FOR SUMMARY JUDGMENT**

Arthur Alan Wolk, Esquire  
*Attorney for Complainant, Pro Se*  
1710-12 Locust Street  
Philadelphia, PA 19103  
Phone: (215) 545-4220  
Facsimile: (215) 545-5252  
Email: arthurwolk@airlaw.com

Dated: September 30, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

Arthur Alan Wolk,	:	
	:	
Complainant	:	
	:	
vs.	:	<b>Case (C.) C.11-07-007</b>
	:	<b>(Filed July 12, 2011)</b>
	:	
San Diego Gas & Electric Company	:	
(U902E),	:	
	:	
Defendant	:	
	:	

**COMPLAINANT'S SUR-RESPONSE TO SAN DIEGO GAS AND  
ELECTRIC COMPANY (U902E) MOTION FOR SUMMARY JUDGMENT**

In SDG&E's reply, respondent claims that it is in full compliance with CPUC procedures and thus is entitled to Summary Judgment. However, ever since Complainant first complained of the overage charges to his electric bill, respondent was under an obligation to investigate Complainant's claims and get evidence and then make an informed decision based on that information.

Attached is Respondent's First Request for any data, which comes five years and \$17,000 after Complainant's first complaint. Now, for the very first time, and only after litigation, SDG&E has asked for the information which is basically necessary to assess the validity of Complainant's claims.

SDG&E's denial of Complainant's claims therefore was and remains to be a farce, a fraud on the Complainant, the CPUC and the consumers of electrical energy in California. Not

only should its Motion for Summary Judgment be denied but an investigation launched of its violation of consumer protection.



---

Arthur Alan Wolk, Esquire  
*Attorney for Complainant, Pro Se*  
1710-12 Locust Street  
Philadelphia, PA 19103  
Phone: (215) 545-4220  
Facsimile: (215) 545-5252  
Email: arthurwolk@airlaw.com

Dated: September 30, 2011

***EXHIBIT “A”***

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

Arthur Alan Wolk, :  
 :  
 Complainant :  
 :  
 vs. : **Case (C.) C.11-07-007**  
 :  
 :  
 San Diego Gas & Electric Company :  
 (U902E), :  
 :  
 Defendant :  
 :

**COMPLAINANTS' REQUEST FOR THE PRODUCTION OF DOCUMENTS AND  
THINGS TO DEFENDANTS SAN DIEGO GAS AND ELECTRIC COMPANY (U902E)**

Pursuant to the California Public Utilities Commission Rules of Practice and Procedure, you are directed to provide Complainant with answers to the following discovery request within thirty (30) days of service hereof. These requests are deemed to be continuing, and any information secured after answering is to be supplied by supplemental responses.

**DEFINITIONS**

1. As used in this Request, the following words and terms shall mean and include the following:

(a) DOCUMENT shall mean and include any and all letters, correspondence, memoranda, notes, records, work papers, tapes, charts, books, ledgers, logs, drawings, sketches, photographs and any and all other written, printed, typed, recorded, transcribed,

punched, taped, filmed or graphic matter of any kind or reproductions thereof, in the possession, custody or control of defendant(s), or any of their representatives or known to the defendant(s) or any of their representatives.

2. SDG&E shall mean defendant San Diego Gas and Electric Company.
3. CPUC shall mean California Public Utilities Commission.

#### **INSTRUCTIONS**

1. Counsel for the answering party may submit copies of the above designated items for the requesting party at any time prior to the aforementioned date and time, but originals must be made available for Complainants' counsel's inspection at a mutually-convenient place and time.

2. Should the answering party claim a privilege, please specify the following with respect to each such document the answering party asserts said privilege:

- (a) the title, heading or caption, if any, of each such document;
- (b) the identifying number, letter or combination thereof of each such document and the significance or the meaning of such number, letter or combination;
- (c) the date appearing on each such document, and if any such document is not dated, the approximate date upon which such document was prepared;
- (d) the general nature of such document and the number of pages of which it consists;
- (e) the name of the person who signed each such document, and if any such document is unsigned, the identity of the person who prepared it;

(f) the name of the person(s) to whom each such document was addressed and the name of each person, other than the addressee(s), to whom each such document or copy thereof was sent;

(g) the name, address and place of employment of the person who has custody of each such document;

(h) a general summary on the substance of the document; and

(i) the name, address and place of employment of any person(s), other than those person(s) listed above, who has seen the document, discussed the document or to whom the contents of the document have been divulged.

In addition to producing all responsive documents in its actual possession, the answering party shall produce all documents in the possession, custody, or control of any person or entity from which it has a right to request actual possession.

#### **REQUESTS**

1. All claims made by customers of SDG&E for higher than anticipated or believed electric usage.

#### **RESPONSE:**

2. All documents that concern or relate to Complainant's electric service, metering and usage evaluation.

#### **RESPONSE:**

3. All testing of Complainant's electric meter formerly in service from date of build to date of removal and evaluation.

**RESPONSE:**

4. All documents that concern or relate to returned electric meters for evaluation after customer complaints of high electric bills.

**RESPONSE:**

5. All documents that concern or relate to SDG&E's response to customer complaints of overly high electric usage charges.

**RESPONSE:**

6. All documents that concern or relate to complaints to the CPUC about overcharges for electric services.

**RESPONSE:**

7. All documents that concern or relate to SDG&E's conscious decision to overcharge for electric services through deliberately inaccurate metering.

**RESPONSE:**

8. All documents that concern or relate to SDG&E's findings of inaccurate electric meters and the steps it has taken to reimburse customers for overcharges due to the inaccurate registration of electric usage.

**RESPONSE:**

9. All documents that concern or relate to SDG&E's responsibility to report inaccurate electric meters to the CPUC and the steps made to comply with that requirement.

**RESPONSE:**

10. All documents that concern or relate to SDG&E to determine the correct electric usage at 1678 Marisma Way, La Jolla, CA.

**RESPONSE:**

11. All documents that concern or relate to SDG&E's estimates for electric usage at 1678

Marisma Way, La Jolla, CA.

**RESPONSE:**

12. All documents that concern or relate to SDG&E's policy to stonewall complaints of

high electric usage.

**RESPONSE:**

13. All handbooks or manuals for dealing with customer complaints of high electric

usage.

**RESPONSE:**

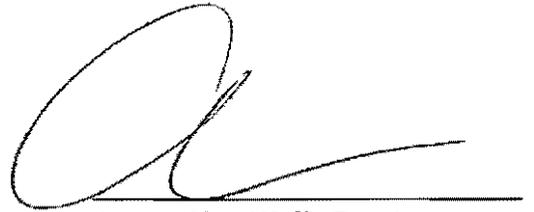
14. All documents that concern or relate to the rounding up of actual usage, from

electric meters to compute electric bills.

**RESPONSE:**

15. All documents that concern or relate to erratic electric measuring from meters of the kind that were removed from the Wolk residence.

**RESPONSE:**

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long, sweeping horizontal line that extends to the right.

Arthur Alan Wolk, Esquire  
*Attorney for Complainants, Pro Se*

Date: August 11, 2011

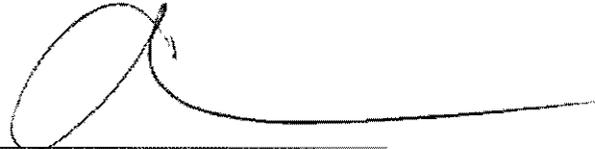
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

Arthur Alan Wolk, :  
 :  
 Complainant :  
 :  
 vs. : **Case (C.) C.11-07-007**  
 : **(Filed July 12, 2011)**  
 :  
 San Diego Gas & Electric Company :  
 (U902E), :  
 :  
 Defendant :  
 :

**CERTIFICATE OF SERVICE**

I certify that on this date, September 30, 2011, a copy of Complainants' Sur-Response to San Diego Gas and Electric Company (U902E) Motion for Summary Judgment has been electronically mailed to each party of record of the service list in C.11-07-007, and by U.S. Mail on the following:

EMMA D. SALUSTRO  
101 Ash Street, HQ12  
San Diego, California 92101  
E-mail: [ESalustro@semprautilities.com](mailto:ESalustro@semprautilities.com)



---

Arthur Alan Wolk, Esquire  
*Attorney for Complainant, Pro Se*  
1710-12 Locust Street  
Philadelphia, PA 19103  
Phone: (215) 545-4220  
Facsimile: (215) 545-5252  
Email: [arthurwolk@airlaw.com](mailto:arthurwolk@airlaw.com)

(END OF ATTACHMENT)